

Dkt. 1795/57743-A-PCT-US/JPW/ADM/PL

IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

Applicants : Mohammad R. Marzabadi  
U.S. Serial No.: 10/009,849 Int'l App'l No.  
PCT/US00/10784  
Entered U.S. : October 22, 2001 Int'l Filing Date:  
National Stage April 21, 2000  
For : SELECTIVE NPY (Y5) ANTAGONISTS  
1185 Avenue of the Americas  
New York, New York 10036  
April 2, 2002

Assistant Commissioner for Patents  
BOX PCT  
Washington, D.C. 20231  
ATTN: DO/EO/US

Sir:

**COMMUNICATION IN RESPONSE TO February 8, 2002  
NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. §371**

This Communication is submitted in response to a Notification Of Missing Requirements Under 35 U.S.C. §371 issued February 8, 2002 in connection with the above-identified application. A copy of the Notification is attached hereto as **Exhibit A**. A response to the January 22, 2002 Notification is due April 8, 2002. Accordingly, this Communication is being timely filed.

The Notification indicates that an oath executed in accordance with 37 C.F.R. §1.66 or a declaration executed in accordance 37 C.F.R. §1.68 is required. In response, applicants submit as **Exhibit B** hereto an original signed Declaration and Power of Attorney executed in accordance with 37 C.F.R. §1.68 and in compliance with 37 C.F.R. §1.497(a) and (b). In compliance with 37 C.F.R. §1.497(a), the Declaration refers to the application's above-identified International Application Number, International Filing

Applicants: Mohammad R. Marzabadi  
U.S. Serial No.: 10/009,849, national stage of PCT/US00/10784  
National Entry Date: October 22, 2001  
Page 2

Date, U.S. Serial Number, and date of U.S. National entry.

The surcharge for submitting the Declaration for a large entity is the ONE HUNDRED THIRTY DOLLAR (\$130.00) fee set forth in 37 C.F.R. §1.492(e) and a check in this amount is enclosed.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants' undersigned attorneys invite the Examiner to telephone the number provided below.

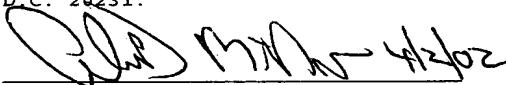
No fee, other than the enclosed \$130.00 surcharge for filing the attached Declaration, is deemed necessary in connection with the filing of this Communication. However, if any other fee is required, authorization is hereby given to charge the amount of any such fee to Deposit Account No. 03-3125.

Respectfully submitted,



John P. White  
Registration No. 28,678  
Alan D. Miller  
Registration No. 42,889  
Attorneys for Applicants  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 278-0400

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.



Alan D. Miller  
Reg. No. 42,889

Date



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/009,849	Mohammed R. Marzabadi	57743-A-PCT-US/JPW/FHB
		INTERNATIONAL APPLICATION NO.
		PCT/US00/10784
		LA. FILING DATE      PRIORITY DATE
		04/21/2000      4/21/2000
<b>CONFIRMATION NO. 1187</b> <b>371 FORMALITIES LETTER</b>  <small>*OC00000007432243*</small>		

Date Mailed: 02/08/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

2/18/2002  
 MP Due: 4/8/2002  
 MP Ext: 5/8/2002  
 MP Ext: 6/8/2002  
 MP Ext: 7/8/2002  
 MP Ext: 8/8/2002  
 MP Deadline: 9/8/2002  
*same*

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice MUST be returned with the response.*

LAMONT M HUNTER

Telephone: (703) 305-3686

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,849	PCT/US00/10784	57743-A-PCT-US/JPW/FHB

FORM PCT/DO/EO/905 (371 Formalities Notice)

**Declaration and Power of Attorney**

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
PCT/US00/10784	April 21, 2000	Pending
09/343,994	June 30, 1999	Issued
09/343,762	June 30, 1999	Issued
09/296,332	April 22, 1999	Pending

And I hereby appoint

John P. White (Reg. No. 28,678); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Philips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Roberto T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershik (Reg. No. 39,992); Spencer H. Schneider (Reg. No. 45,923); Alan J. Morrison (Reg. No. 37,399); Alan D. Miller (Reg. No. 42,889); and Frank Bruno (Reg. No. 46,583)

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith, and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

*Declaration and Power of Attorney*

*Page 3*

*Please address all communications, and direct all telephone calls, regarding this application to:*

John P. White

Reg. No. 28,678

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.*

Full name of sole or first joint inventor Mohammad R. Marzabadi

Inventor's signature Mohammad R. Marzabadi

Citizenship United States of America Date of signature 10/23/01

Residence 153 Woodland Avenue, Ridgewood, New Jersey 07450

Post Office Address same as above

Full name of joint inventor (if any) Wai C. Wong

Inventor's signature

Citizenship United States of America Date of signature

Residence 314 Aspen Glen Drive, Hamden, Connecticut 06518

Post Office Address same as above

Full name of joint inventor (if any) Stewart A. Noble

Inventor's signature

Citizenship Great Britain Date of signature

Residence 275 Oak Creek Drive Apt. 407 Wheeling, Illinois 60090

Post Office Address same as above

*Declaration and Power of Attorney*

*Page 3*

*Please address all communications, and direct all telephone calls, regarding this application to:*

John P. White

Reg. No. 28,678

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.*

Full name of sole or  
first joint inventor Mohammad R. Marzabadi

Inventor's signature

Citizenship United States of America Date of signature

Residence 153 Woodland Avenue, Ridgewood, New Jersey 07450

Post Office Address same as above

Full name of joint  
inventor (if any) Wai C. Wong

Inventor's signature Wai C Wong

Citizenship United States of America Date of signature Oct 29, 2001

Residence 314 Aspen Glen Drive, Hamden, Connecticut 06518

Post Office Address same as above

Full name of joint  
inventor (if any) Stewart A. Noble

Inventor's signature

Citizenship Great Britain Date of signature

Residence 275 Oak Creek Drive Apt. 407 Wheeling, Illinois 60090

Post Office Address same as above

*Declaration and Power of Attorney*

*Page 3*

*Please address all communications, and direct all telephone calls, regarding this application to:*

John P. White

Reg. No. 28,678

Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true: and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.*

*Full name of sole or  
first joint inventor* Mohammad R. Marzabadi

*Inventor's signature* \_\_\_\_\_

*Citizenship* United States of America *Date of signature* \_\_\_\_\_

*Residence* 153 Woodland Avenue, Ridgewood, New Jersey 07450

*Post Office Address* same as above

*Full name of joint  
inventor (if any)* Wai C. Wong

*Inventor's signature* \_\_\_\_\_

*Citizenship* United States of America *Date of signature* \_\_\_\_\_

*Residence* 314 Aspen Glen Drive, Hamden, Connecticut 06518

*Post Office Address* same as above

*Full name of joint  
inventor (if any)* Stewart A. Noble

*Inventor's signature* Stewart A. Noble

*Citizenship* Great Britain *Date of signature* 11/3/01

*Residence* 275 Oak Creek Drive Apt. 407 Wheeling, Illinois 60090

*Post Office Address* same as above

*Declaration and Power of Attorney*

*Page 4*

*Full name of joint*

*inventor (if any)* Manesh N. Desai

*Inventor's signature* M. Desai

*Date of signature* 10/23/2001

*Citizenship* United States of America *Date of signature* \_\_\_\_\_

122 BARCLAY AVE NUTLEY NEW JERSEY 07110

*Residence* 29 Arthur Street, Clifton, New Jersey 07011

*Post Office Address* same as above

*Full name of joint*

*inventor (if any)* \_\_\_\_\_

*Inventor's signature* \_\_\_\_\_

*Citizenship* \_\_\_\_\_

*Date of signature* \_\_\_\_\_

*Residence* \_\_\_\_\_

*Post Office Address* \_\_\_\_\_

*Full name of joint*

*inventor (if any)* \_\_\_\_\_

*Inventor's signature* \_\_\_\_\_

*Citizenship* \_\_\_\_\_

*Date of signature* \_\_\_\_\_

*Residence* \_\_\_\_\_

*Post Office Address* \_\_\_\_\_